

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

ROBERT E. SHEPHERD,

Petitioner

v.

//

CIVIL ACTION NO. 1:07CV27
(Judge Keeley)

UNITED STATES OF AMERICA,

Respondent.

ORDER GRANTING PETITIONER'S MOTION TO REOPEN CASE

On February 6, 2007, pro se petitioner Robert E. Shepherd filed a petition for a writ of mandamus. On October 30, 2007, United States Magistrate Judge James E. Seibert entered a Report and Recommendation ("R&R"), which recommended that this Court deny Shepherd's petition and dismiss the case with prejudice because Shepherd has failed to meet the stringent standards for a writ of mandamus.

The Report and Recommendation also specifically warned that failure to object to the recommendation would result in the waiver of any appellate rights on this issue. No objections were filed.¹ On November 13, 2007, based on the petitioner's failure to object, the Court adopted the Report and Recommendation in its entirety and denied the Petition for a Writ of Mandamus.

¹ The failure to object to the Report and Recommendation not only waives the appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).

ORDER ADOPTING OPINION/REPORT AND RECOMMENDATION

On December 5, 2007, the Court received a motion from the petitioner requesting that this Court reopen his case. He alleges that he was confined in the Special Housing Unit of USP Hazelton and did not have access to postage. For good cause show, the Court **GRANTS** the motion (dkt. no. 22) and **REOPENS** the case.

The petitioner has ten (10) days from the date of receipt of this Order to file objections to the Report and Recommendation. The Court once again warns the petitioner that failure to object to the recommendation will result in the waiver of any appellate rights on this issue.²

The Clerk is directed to mail a copy of this Order to the pro se petitioner, certified mail, return receipt requested and to counsel of record.

Dated: December 7, 2007

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE

² The failure to object to the Report and Recommendation not only waives the appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).